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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,304	11/09/1999	FRANKLIN E. BOYER	UV-112	7797
7590	03/10/2005		EXAMINER	
G VICTOR TREYZ FISH AND NEAVE 1251 AVENUE OF THE AMERICAS NEW YORK, NY 100201104			NGUYEN, QUANG N	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/437,304	BOYER ET AL.	
	Examiner	Art Unit	
	Quang N. Nguyen	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 January 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4,12,13,15,23,24,26 and 34-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,4,12,13,15,23,24,26 and 34-42 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01/02/2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This Office Action is in response to the Reply to Office Action filed on 01/21/2005. Claim 39 has been amended. Claims 1-2, 4, 12-13, 15, 23-24, 26 and 34-42 remain for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. **Claims 1-2, 4, 12-13, 15, 23-24, 26 and 34-42 are rejected under 35 U.S.C. 102(a) as being anticipated by Gerace (US 5,848,396).**

4. As to claims 1 and 4, Gerace teaches a system and method for providing a user with personalized schedule information for television-related and non-television-related events, comprising:

providing the user with an opportunity to select at least one television-related information source from a plurality of television-related information sources (i.e., *program 31 enables user customization of content and format screen views for each*

category of information such as the user will have the capability to search for a specific show or film on a national network, local, satellite channel) (Gerace, C11: L24-42 and C22: L43-52);

providing the user with an opportunity to specify criteria for delivering information from the at least one selected television-related information source (Users will be able to find local or network television and satellite channel schedules by specifying the "zip code" criteria. Users also have the capability to search for a specific show or film, a local or national network/satellite channel to see when and on what channel they are playing) (Gerace, C22: L43-52);

providing the user with an opportunity to select at least one non-television-related information source from a plurality of non-television-related information sources for providing schedule information for non-televised events (i.e., select at least one from the various categories of interest including financial information, sports, weather, travel, film, show, theater schedules, etc., which is obtained from networks 19a-c, i.e., from the Internet) (Gerace, C7:L46 - C9:L30 and C11: L24-42);

providing the user with an opportunity to specify criteria for delivering information from the at least one selected non-television-related information source (i.e., upon user selection of the Travel Schedule Category, a Travel Schedule Page Display includes departure, arrival and reservation information for airlines, buses, boats and trains. Also, users will be able to find film schedules by the "zip code" criteria and have the capability to search, i.e., to specify criteria, for a specific show or film or theater to

see where, when and what they are playing) (Gerace, C9: L8-30, C11: L24-42 and C22: L43-52);

providing the user with an opportunity to select a delivery scheme from a plurality of delivery schemes consisting of continuous delivery, e-mail, HTML mail, pager/digital phone reminder, and pager/digital phone notification, for delivering the personalized schedule information (*delivering messages, notices, warnings and the personalized schedule information via email or the World Wide Web*) (Gerace, C17: L18-52, C21: L23-27 and L50-52, C22: L10-11 and L23-25);

generating the personalized schedule information (i.e., *generating the personalized schedule information such as the Media Schedule Page, the Travel Schedule Page, the Sports Page, the Stock Page, etc.*), wherein the schedule information includes television program listings based on the specified criteria for delivering information from the at least one selected television related information source, and wherein the schedule information includes information for non-televised events based on the specified criteria for delivering information from the at least one selected non-television-related information source (i.e., *the Media Schedule Page includes the TV table listings for local, national, or satellite channels and the Film and Theater/Opera, Symphony table for non-television-related events schedules*) (Gerace, C10: L9 C11: L42, C22: L43-52 and C26: L40-63); and

delivering the personalized schedule information to the user based on the delivery scheme selected by the user (*Media Schedule Page is displayed for the user via email or the World Wide Web*).

5. As to claim 2, Gerace teaches the method of claim 1, further comprising the step of providing the user with an opportunity to select at least one desired non-television-related web site (Gerace, C8: L29-32, C10: L32-38 and C14: L24-36).
6. As to claims 34-35, Gerace teaches the method of claim 1, further comprising the step of providing the user with an opportunity to specify display settings (i.e., providing the user with display preferences including orientation, colors scheme, *design, layout, etc.*, *with respect to the category of information*) for displaying the personalized schedule information and maintaining a history of user preferences (*i.e., user profile*) based on the information specified by the user (Gerace, C6: L22-45 and C17: L1-8).
7. As to claim 36, Gerace teaches the method of claim 35, further comprising the step of providing the user with reminders based on the history of user preferences (Gerace, C17: L38-52).
8. Claims 12-13, 15, 23-24, 26 and 37-42 are corresponding on-line scheduling application system claims of claims 1-2, 4 and 34-36; therefore, they are rejected under the same rationale.

Response to Arguments

9. In the remarks, applicant argued in substance that

(A) Prior Art does not show or suggest "allowing a user to select at least one television-related information source from a plurality of television information sources and specify criteria for delivering information from the at least one selected television-related information source", as required by applicant's independent claims 1, 12, and 23.

As to point (A), **Gerace** teaches program 31 enables user customization of content and format screen views for each category of information such as the user will have the capability to search for a specific show or film, or national network, local, satellite channels (i.e., providing the user with an opportunity to select at least one television-related information source from a plurality of television-related information sources) (**Gerace**, C11: L24-42 and C22: L43-52). **Gerace** also teaches the user will be able to find network and local television and film schedules by specifying the "zip code" criteria. Users also have the capability to search for a specific show or film, a local or national network/satellite channel to see where, when and what they are playing, i.e., to specify criteria such as the title/name/time of the show or film, or the name of the channel (i.e., providing the user with an opportunity to specify criteria for delivering information from the at least one selected television-related information source) (**Gerace**, C22: L43-52).

10. Applicant's requests for reconsideration as well as arguments filed on 01/21/2005 have been fully considered but they are not deemed to be persuasive.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER